

FORTY-SECOND DAY

TUESDAY, APRIL 1, 1997

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Duncan.

The President announced that a quorum of the Senate was present.

The Reverend Nehemiah Davis, Mount Pisgah Baptist Church, Fort Worth, accompanied by his wife Dorothy, offered the invocation as follows:

Eternal God, we give thanks to You this day for our state government. We pray special blessings upon the leadership of this Senate chamber. We pray also for these Senators as they deal with many difficult and far-reaching issues. Give them, I pray, the physical and spiritual stamina for the task ahead. May they be rewarded with the satisfaction of having given to the people the best that You have given to them. This is my prayer. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 26, 1997, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Bivins, Senator Duncan was granted leave of absence for today on account of important business.

CO-AUTHORS OF SENATE BILL 217

On motion of Senator Zaffirini and by unanimous consent, Senators Ellis, Shapiro, and Truan will be shown as Co-authors of **SB 217**.

CO-AUTHORS OF SENATE BILL 258

On motion of Senator Ellis and by unanimous consent, Senators Nelson and Zaffirini will be shown as Co-authors of **SB 258**.

CO-AUTHOR OF SENATE BILL 270

On motion of Senator Haywood and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 270**.

CO-AUTHOR OF SENATE BILL 947

On motion of Senator Patterson and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 947**.

CO-AUTHOR OF SENATE BILL 1060

On motion of Senator Patterson and by unanimous consent, Senator Shapleigh will be shown as Co-author of **SB 1060**.

CO-AUTHOR OF SENATE BILL 1686

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 1686**.

CAPITOL PHYSICIAN

Senator Ogden was recognized and presented Dr. Henry Boehm of Brenham as the "Doctor for the Day."

The Senate welcomed Dr. Boehm and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 1, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS PUBLIC FINANCE AUTHORITY
BOARD OF DIRECTORS for terms to expire February 1, 2003:

DANIEL T. SERNA
3801 Pleasant Wood Court
Arlington, Texas 76016

Mr. Serna will be replacing Robert B. Davis of Austin whose term expired.

CYNTHIA L. MEYER
414 Oakwood Boulevard
New Braunfels, Texas 78130

Ms. Meyer will be replacing Marc R. Stanley of Dallas whose term expired.

TO BE A MEMBER OF THE LOWER COLORADO RIVER AUTHORITY
BOARD OF DIRECTORS for a term to expire February 1, 2001:

GAY WARREN GADDIS
4206 Balcones Drive
Austin, Texas 78731

Mrs. Gaddis will be filling the unexpired term of C. Patrick Oles, Jr., of Austin who resigned.

TO BE MEMBERS OF THE AGRICULTURAL RESOURCES
PROTECTION AUTHORITY for terms to expire February 1, 1999:

CRAIG ESTES
2014 Clarinda
Wichita Falls, Texas 76308

Mr. Estes is being reappointed.

L. C. HARRISON
Route 5, Box 350
Wichita Falls, Texas 76301

Mr. Harrison is being reappointed.

DAVID K. LANGFORD
P.O. Box 6066
San Antonio, Texas 78209

Mr. Langford is being reappointed.

DAVID M. NIX
1601 South 8th
Lamesa, Texas 79331

Mr. Nix is being reappointed.

JULIAN H. TREVINO, Ed.D.
332 King William
San Antonio, Texas 78204

Mr. Trevino is being reappointed.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Tuesday, April 1, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 51, Relating to requiring a declaration of write-in candidacy in an election for the members of the governing body of a junior college district or the board of a hospital district.

HB 138, Relating to authorization of the creation of Texas growth fund II.

HB 156, Relating to prohibiting contact with the victim as a mandatory condition of parole or mandatory supervision for certain offenders and to facilitating victim-offender mediation in certain circumstances.

HB 220, Relating to discrimination in employment based on certain perceived disabilities.

HB 344, Relating to registration and insurance requirements for certain vehicles.

HB 438, Relating to the implementation of a controlled substances testing program to be administered to inmates housed in facilities operated by or under contract with the Texas Department of Criminal Justice.

HB 449, Relating to the control of and disabling of gambling devices, equipment, or paraphernalia while an ocean-going vessel is in the territorial waters of this state.

HB 646, Relating to jury submissions in a suit affecting the parent-child relationship.

HB 670, Relating to the appraisal of property located in more than one appraisal district.

HB 1050, Relating to conditions of parole or mandatory supervision for an inmate released after serving a sentence for the offense of stalking.

HB 1150, Relating to the notification of school personnel of the arrest or detention of a student and any subsequent disposition of that arrest or detention.

HB 1266, Relating to a loan the proceeds of which are used to purchase an interest in a certain trust or entity that owns real property located outside the United States.

HB 1422, Relating to prohibiting employment discrimination against certain employees of the Texas Department of Criminal Justice for refusing to take a polygraph examination.

HCR 181, Designating April 1, 1997, as Lubbock Day at the State Capitol.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

HCR 4, HCR 6, HCR 7, HCR 22, HCR 70, HCR 71, HCR 72, HCR 78, HCR 98, HCR 152, HCR 174

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate a group of students and their teacher from Moody High School of Corpus Christi.

The Senate welcomed its guests.

SENATE RESOLUTION 405

Senator Truan offered the following resolution:

WHEREAS, In anticipation of welcoming over 200,000 NASCAR fans to Texas and commemorating the inaugural racing events at the new Texas Motor Speedway, developed by Bruton Smith, CEO of Speedway Motor Sports, and under the direction of Eddie Gossage, General Manager, and the economic impact for Texas which comes with this exciting professional sport, the Texas Senate recognizes the NASCAR 1996 Winston Cup Championship team represented by Terry Labonte, Driver, George Dehart, Crew Chief, and Rick Hendrix, Owner of the Number 5 Kellogg's Chevrolet Monte Carlo; and

WHEREAS, Hendrix Motorsports and sponsor Kellogg's entered the 1996 Winston Cup season with Corpus Christi native Terry Labonte as the driver; and

WHEREAS, During 1996, Terry Labonte drove the Kellogg's Number 5 Monte Carlo to victory twice, raced to 21 top-five finishes and 24 top-10 finishes, and captured his second Winston Cup Championship; and

WHEREAS, Terry Labonte's \$4,030,648 earnings in 1996 moved him to fourth place on NASCAR's all-time earnings list; and

WHEREAS, Terry Labonte made history in 1996 by breaking the legendary Richard Petty's mark of 513 consecutive starts on April 20 of that year racing the Goody's 500 at Martinsville, Virginia, becoming the Winston Cup's new "Ironman," and maintained his streak by starting the 1997 season with 537 consecutive starts; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend Terry Labonte on his achievement and extend best wishes in appreciation for promoting tourism in the State of Texas and the upcoming 1997 NASCAR events at Texas Motor Speedway; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Champion Terry Labonte, George Dehart, and Rick Hendrix as an expression of highest esteem.

The resolution was again read.

The resolution was previously adopted on Wednesday, March 26, 1997.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate Terry Labonte, his wife Kim, and officials of Speedway Motor Sports.

The Senate welcomed its guests.

SENATE RESOLUTION 402

Senator Nelson offered the following resolution:

WHEREAS, In anticipation of welcoming NASCAR fans to Texas and the inaugural racing event at the new Texas Motor Speedway, developed by Bruton Smith, CEO of Speedway Motor Sports, and under the direction of General Manager Eddie Gossage, and the economic development for Texas which comes with this sport, the Senate of Texas takes pride in recognizing the NASCAR 1996 Busch Grand National Championship Team represented by Randy LaJoie, driver, and Bill Baumgardner, owner, and Steve Bird, crew chief, of the BACE Motorsports Number 74 FINA Chevrolet Monte Carlo; and

WHEREAS, BACE Motorsports entered the 1996 Busch Grand National season as the defending champion, teamed up with new driver, Randy LaJoie, and new sponsor, Dallas-based FINA, Incorporated; and

WHEREAS, This team attempted to make history by being the first Busch Grand National team to win two consecutive Busch Grand National Championships utilizing different drivers each year; and

WHEREAS, During the year with the BACE Motorsports team, Randy LaJoie drove the FINA-sponsored Number 74 to victory five times and backed up the wins with 11 top-five and 20 top-10 finishes throughout the 1996 season; and

WHEREAS, This performance by Randy LaJoie and the BACE Motorsports team ultimately did make history by winning the 1996 Busch Grand National Crown; and

WHEREAS, The same team, consisting of Randy LaJoie, BACE Motorsports, and FINA, began its defense of the 1996 Championship by winning the first race of the 1997 season held in Daytona Beach, Florida, on February 15, 1997; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend Randy LaJoie, BACE Motorsports, and FINA, Incorporated, on their achievement and extend to them appreciation for their support and participation in promoting the State of Texas and the upcoming 1997 NASCAR events at Texas Motor Speedway; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem from the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Wednesday, March 26, 1997

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Bruton Smith, Chief Executive Officer of Speedway Motor Sports; Eddie Gossage General Manager, Texas Motor Speedway; Steve Bird, crew chief; Ror Haddock, Chief Executive Officer of FINA (car sponsor); Randy LaJoie, 1996 Busch Winner; and Bill Baumgardner, car owner.

The Senate welcomed its guests.

(Senator Ellis in Chair)

SENATE RESOLUTION 422

Senator Carona offered the following resolution:

WHEREAS, Students from Richardson's Westwood Junior High School will be in Austin on April 1, 1997, as part of the Westwood Leadership Center's tour of the State Capitol; and

WHEREAS, The center's exciting program is designed to encourage students' leadership potential and to enhance the leadership skills that students already possess; the program offers courses that foster the systematic and deliberate development of these skills and seeks to incorporate these talents into the school curriculum; and

WHEREAS, Participants in this program will have the opportunity to witness their state legislators in action when they visit the chamber gallery in the historic Capitol; these exemplary youths will also tour the Governor's Mansion and the Capitol Complex Visitors Center, where they will get a glimpse of the Lone Star State's history of strong leadership; and

WHEREAS, By developing students' innate leadership abilities, the Westwood Leadership Center expects these young people to become more successful and self-aware in their future endeavors; creating a goal-oriented attitude has become a vital component of success in today's society, and with the help of organizations such as the Westwood Leadership Center, students can better plan for their futures; now, therefore, be it

RESOLVED, That the Senate of the 75th Texas Legislature hereby commend the students of the Westwood Leadership Center at Westwood Junior High School and extend to them sincere best wishes for continued success and happiness in the years to come; and, be it further

RESOLVED, That an official copy of this resolution be prepared for these students as an expression of high regard by the Texas Senate.

CARONA
SHAPIRO

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Carona, joined by Senator Shapiro, was recognized and introduced to the Senate a group of Westwood Junior High School students from Richardson.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 62

Senator Bivins, on behalf of Senator Duncan, offered the following resolution:

WHEREAS, Many proud residents of Lubbock will be in Austin on April 1, 1997, to celebrate Lubbock Day at the State Capitol, and this affords a welcome opportunity to pay tribute to this fine Texas city; and

WHEREAS, Located in the heart of the South Plains and surrounded by miles of fertile farmland, the Lubbock area has attracted settlers for thousands

of years, and fossil evidence at Lubbock Lake Landmark State Historical Park yields evidence that the region has been continuously occupied since 12,000 B.C.; and

WHEREAS, Nicknamed Hub City, Lubbock boasts a business-friendly climate and an outstanding public education system that have established a strong economic base for the city, and the added features of an excellent highway system and an accessible airport have secured Lubbock's reputation as the wholesale and retail trade center of a 26-county area of Texas and New Mexico; and

WHEREAS, The home of several world-class institutions of higher learning, including Texas Tech University, Lubbock features many of the amenities of big city life while preserving the character and charm of a small West Texas town; the city features several state-of-the-art medical facilities as well, and it is the largest health care provider between Phoenix and the Dallas/Fort Worth metroplex; and

WHEREAS, Cultural and recreational opportunities abound in Lubbock; visitors can immerse themselves in fascinating exhibits at the Museum of Texas Tech University, the National Ranching Heritage Center, and the Lubbock Fine Arts Center or enjoy the great outdoors at Buffalo Springs Lake and Mackenzie State Park, home of one of the few remaining prairie dog colonies in the nation; and

WHEREAS, Music lovers around the world are familiar with the legendary Lubbock sound, a fusion of roots rock, honky tonk, and blues; from rock-and-roll icon Buddy Holly to Joe Ely, Butch Hancock, and Jimmie Dale Gilmore, the city has produced a remarkable number of talented musicians who have earned their place in the pantheon of music greats; and

WHEREAS, Blessed with abundant natural resources and a forward-looking population, Lubbock is one of the leading participants in the Lone Star State's growth, and it is a pleasure to recognize the city and its people at this time; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby designate April 1, 1997, as Lubbock Day at the State Capitol and extend a warm welcome to the visiting delegation from this outstanding Texas city.

The resolution was read.

On motion of Senator Bivins, on behalf of Senator Duncan, and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Bivins, on behalf of Senator Duncan, was recognized and introduced to the Senate Lubbock Mayor Windy Sitton, members of the Lubbock Chamber of Commerce, and a delegation of citizens from Lubbock.

The Senate welcomed its guests.

(President in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Wednesday, March 26, 1997, by Senator Madla.

Senator Madla moved confirmation of the nominees reported Wednesday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

Member, State Board of Barber Examiners: WILLIAM "KIRK" KUYKENDALL, Travis County.

Members, Texas Board of Human Services: BILL JONES, Harris County; ELIZABETH DARLING SEALE, Bexar County.

Members, Texas Board of Private Investigators and Private Security Agencies: JIM G. BRAY, Jr., Collin County; GEORGE B. CRAIG, Nueces County; BEN C. NIX, Tarrant County; JESS ANN THOMASON, Midland County; MATTHEW WASHINGTON, Fort Bend County.

Fire Fighters' Pension Commissioner: HELEN L. CAMPBELL, Travis County.

Members, Board of Protective and Regulatory Services: RICHARD S. HOFFMAN, Cameron County; CATHERINE CLARK MOSBACHER, Harris County.

Members, Egg Marketing Advisory Board: LEROY BAEZA, Jeff Davis County; CHARLES JEFFREY HARDIN, Fayette County; ELIAS "ALEX" RODGERS, Concho County; TERRY C. WRIGHT, Upshur County.

Members, Board of Nurse Examiners: MARY LETRICE KEMP BROWN, R.N., Dallas County; MARCELO LAIJAS, Jr., Wilson County.

Members, Texas Board of Professional Land Surveying: JERRY M. GOODSON, Lampasas County; BETTY H. LITTLE, Potter County; ARTHUR WILLIAM OSBORN, Smith County; ROBERT LYNN POUNDS, El Paso County; ANDREW LONNIE SIKES, Harris County; JOAN WHITE, Cameron County; RAUL WONG, Jr., Dallas County.

Members, Texas State Board of Examiners of Psychologists: BARRY E. DEWLEN, Ph.D., Bexar County; WALES HENDRIX MADDEN III, Potter County; EMILY G. SUTTER, Ph.D., Harris County.

Member, Texas Council on Purchasing from People with Disabilities: ARNOLD M. THORNER, Harris County.

Members, Texas Veterans Commission: SAMUEL BIER, Travis County; BRIGADIER GENERAL SUE ELLEN TURNER, Bexar County; ALEXANDER VERNON, Bell County.

Member, Veterans' Land Board: DARRYL LADD PATTILLO, Travis County.

Members, State Board of Veterinary Medical Examiners: HOWARD MARTIN HEAD, D.V.M., Lamb County; DON CARTER KING, Jr., D.V.M., Tarrant County; JEAN W. McFADDIN, Jefferson County.

Members, Board of Vocational Nurse Examiners: GINGER M. BRENNER, Camp County; LILLIAN K. BROWN, Tom Green County; ELMER G. ELLIS, Smith County; CARLA SUE McCROAN, Collin County; GABRIEL PERALES, Jr., Bexar County; KATHLEEN GLEESON POWELL, Tarrant County; WILLIAM H. RICE, M.D., Travis County; BETTY ELIZABETH SIMS, R.N., Victoria County.

Members, Texas Health Care Information Council: NELDA P. WRAY, M.D., M.P.H., Chair, Harris County (Consideration Pending); CINDY S. BASHAM, R.N., Tarrant County; JACK GERHARDT BLAZ, Dallas County; BOBBY S. DE ROSSETT, Smith County; DRESDENE E. FLYNN-WHITE, Collin County; ARTHUR GARSON, Jr., M.D., M.P.H., Harris County; NORMA S. GARZA, C.P.A., Cameron County; JACINTO PABLO JUAREZ, Ph.D., Webb County; RONALD T. LUKE, J.D., Ph.D., Travis County (Consideration Pending); CHRISTINE M. B. MITCHELL, Blanco County; GAIL DOWDY NEAS, Harris County; SUSAN M. NELSON, Collin County; MARY WHITING PUCKETT, Bexar County; ROBERT E. SCHORLEMER, M.D., Bexar County; DERWOOD BRUCE WHITTINGTON, Sr., Galveston County.

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate Beth Cochran, National Vice-president of Future Homemakers of America and Corey Rosenbusch, National President of Future Farmers of America.

The Senate welcomed its guests.

(Senator Brown in Chair)

GUEST PRESENTED

Senator Haywood was recognized and introduced to the Senate Johnnie Lynn Mosley, National President of Future Homemakers of America.

The Senate welcomed Mr. Mosley.

(President in Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 1 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 1, General Appropriations Bill.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

CSHB 1 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Brown in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 681 ON THIRD READING**

Senator Armbrister moved that the regular order of business be suspended and that **CSSB 681** be placed on its third reading and final passage:

CSSB 681, Relating to the alternative fuels program.

The motion prevailed by the following vote: Yeas 26, Nays 3, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Ellis, Shapleigh, Truan.

Present-not voting: Moncrief.

Absent-excused: Duncan.

CSSB 681 was read third time.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 681** as follows:

(1) Amend SECTION 1, Section 382.131, subdivision (7)(B), Health and Safety Code on page 1, line 1-30, following the words "greater than 26,000 pounds" between "pounds" and ";" by inserting ", except urban buses".

(2) Amend SECTION 1, Section 382.131, Health and Safety Code, by adding a new subdivision (10) to read as follows:

(10) "Urban bus" means any motor bus or municipal bus required to

be registered under Chapter 502, Transportation Code which is owned or operated by a mass transit authority.

The amendment was read and was adopted by the following vote:
Yeas 20, Nays 8, Present-not voting 1.

Yeas: Barrientos, Bivins, Cain, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lucio, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Truan, Zaffirini.

Nays: Armbrister, Brown, Carona, Lindsay, Sibley, Wentworth, West, Whitmire.

Present-not voting: Moncrief.

Absent: Luna.

Absent-excused: Duncan.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 2

Amend CSSB 681 as follows:

(1) Amend SECTION 2, Section 382.131, Health and Safety Code on page 1, by adding at line 1-37, after the heading "METROPOLITAN AREAS AFFECTED." and before "Rules adopted by" the subsection designation "(a)" and adding after line 1-45, subsection (b) to read as follows:

(b) Notwithstanding the provisions of subsection (a), the commission may establish a clean fuel vehicle program for covered fleets in counties where not otherwise required in response to a formal request by resolutions adopted by the county and the most populous municipality within the county according to the most recent federal decennial census. Such request may originate from any county or municipality declared to be in violation of or seeking to avoid being declared in violation of federal ambient air quality standards.

Without objection, the amendment was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as "Present-not voting" on the adoption of Floor Amendment No. 2.

CSSB 681 as amended was finally passed by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as "Present-not voting" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 251 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 251, Relating to certain charges for the administration of loans and loan applications.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 251 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 251** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

CSSB 251 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 253 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 253, Relating to the selection of telecommunications utilities by customers.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 253 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 253** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

CSSB 253 was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 771 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 771, Relating to the licensing of the name, logo, and other artwork of the Texas Commission on the Arts.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 771** in SECTION 1, Subsection (f) by inserting after "Texas" and before the period:

" , provided that the value of commission inventory, as determined by generally accepted accounting principles, shall not exceed \$50,000 at the end of any fiscal year"

The amendment was read and was adopted by a viva voce vote.

SB 771 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 771 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 771** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

SB 771 was read third time and was passed by a viva voce vote.

SENATE BILL 293 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 293, Relating to the authority of a municipality to create an industrial development corporation and to levy a sales and use tax to carry out the projects of the corporation.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Nelson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 293 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 293** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Nelson.

Absent-excused: Duncan.

SB 293 was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 672 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 672, Relating to permitting an aircraft to be used in alcoholic beverage advertising or promotion.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 672 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 672** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Harris.

Absent-excused: Duncan.

SB 672 was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 547 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 547, Relating to letters of credit.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 547 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 547** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

SB 547 was read third time and was passed by a viva voce vote.

SENATE BILL 684 REREFERRED

On motion of Senator Patterson and by unanimous consent, **SB 684** was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Economic Development.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held upon conclusion of the daily session, Thursday, April 3, 1997, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MEMORIAL RESOLUTIONS

SR 407 - by Zaffirini, Truan: In memory of Grady C. Hogue of Beeville.

SR 409 - by Luna: In memory of Oscar Andres Elizondo of San Antonio.

SR 411 - by Lucio: In memory of Leo Ramirez, Jr., of Mercedes.

SR 417 - by Zaffirini: In memory of Consuelo Sada Canseco of Laredo.

CONGRATULATORY RESOLUTIONS

SR 406 - by Gallegos: Congratulating the Blacks in Government organization (BIG).

SR 408 - by Zaffirini: Congratulating the Dimmit County Airport.

SR 410 - by Lucio: Congratulating Ona Jay and Ned Randel Hale.

SR 412 - by Haywood: Congratulating the Mayhill-Cooper Creek Volunteer Fire Department.

SR 413 - by Haywood: Congratulating John W. Doerschuk, Jr., of Abilene.

SR 414 - by Lucio: Congratulating Seferino P. Rodriguez.

SR 416 - by Zaffirini: Congratulating Floyd R. Westerman of Laredo.

SR 418 - by Lindsay: Congratulating Robert E. Sheriff of Houston.

SR 420 - by Moncrief: Congratulating the members of the Movin' Mavs of The University of Texas at Arlington.

SR 423 - by Barrientos: Congratulating the Del Valle Independent School District's Adult Education Program.

MISCELLANEOUS RESOLUTIONS

SR 415 - by Brown: Recognizing National Crime Victims' Rights Week, April 13 through April 19, 1997.

SR 419 - by Moncrief: Recognizing the Texas Council on Family Violence's Silent Witness Project on April 1, 1997.

SR 421 - by Moncrief: Recognizing April 2, 1997, as Alcohol, Tobacco, and Other Drug Abuse Prevention Day.

HCR 134 - (Moncrief): Recognizing March 11, 1997, as the official public opening of the Lone Star Dinosaurs in the Lone Star State and honoring the Fort Worth Museum of Science and History.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:57 p.m. adjourned, in memory of Sarah McDougal of Dallas, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

April 1, 1997

CRIMINAL JUSTICE — SB 758, CSSB 663, CSSB 143

INTERGOVERNMENTAL RELATIONS — SB 269, SB 660, SB 804,
SB 899, SB 992, SB 1352, SB 1454

EDUCATION — SB 1219, SB 1044, SB 816, SB 1028

CRIMINAL JUSTICE — CSSB 381

EDUCATION — CSSB 1577

JURISPRUDENCE — CSSB 34, CSSB 181

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
SB 1514, SB 820 (Amended), SB 1059 (Amended)

INTERGOVERNMENTAL RELATIONS — SB 834 (Amended), SB 937
(Amended), SB 951 (Amended), SB 1016 (Amended), SB 1269
(Amended), CSSB 629, CSSB 974, CSSB 1014, CSSB 1015

EDUCATION — CSSB 274, CSSB 519, CSSB 583

INTERGOVERNMENTAL RELATIONS — CSSB 872

HEALTH AND HUMAN SERVICES — SB 609 (Amended), SB 952
(Amended), SB 908 (Amended), SB 972 (Amended), SB 752 (Amended),
CSSB 1112

FINANCE — CSSB 31

SIGNED BY GOVERNOR

March 26, 1997

SB 438

